

AMENDED IN SENATE AUGUST 25, 2003

AMENDED IN SENATE JULY 27, 2003

AMENDED IN SENATE JULY 15, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1209**

**Introduced by Assembly Member Nakano**

February 21, 2003

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An act to amend Section 6254 of the Government Code, relating to public agency security.

LEGISLATIVE COUNSEL'S DIGEST

AB 1209, as amended, Nakano. Public agency security: confidential information.

The existing California Public Records Act provides that, except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs. Among those records that are exempt from disclosure under the act is a document prepared by a local agency that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operations and that is for distribution or consideration in a closed session.

This bill would ~~delete this provision and instead provide that~~ *instead apply this exemption to* a document prepared by or for a ~~public~~ *state or*

~~local agency that assesses vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operations, or harm or compromise the safety of the personnel or the public's right of access to the public building or facility, is exempt under the act, subject to specified criteria for these reasons.~~ It would also exempt customer lists provided to a state or local police agency by an alarm or security company at the request of the agency, *and make various technical, nonsubstantive changes.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 6254 of the Government Code is~~  
2 *SECTION 1. Section 6254 of the Government Code is amended*  
3 *to read:*  
4 *SECTION 1. Section 6254 of the Government Code is*  
5 *amended to read:*  
6 6254. Except as provided in Sections 6254.7 and 6254.13,  
7 nothing in this chapter shall be construed to require disclosure of  
8 records that are any of the following:  
9 (a) Preliminary drafts, notes, or interagency or intra-agency  
10 ~~memorandums~~ *memoranda* that are not retained by the public  
11 agency in the ordinary course of business, provided that the public  
12 interest in withholding those records clearly outweighs the public  
13 interest in disclosure.  
14 (b) Records pertaining to pending litigation to which the public  
15 agency is a party, or to claims made pursuant to Division 3.6  
16 (commencing with Section 810), until the pending litigation or  
17 claim has been finally adjudicated or otherwise settled.  
18 (c) Personnel, medical, or similar files, the disclosure of which  
19 would constitute an unwarranted invasion of personal privacy.  
20 (d) Contained in or related to any of the following:  
21 (1) Applications filed with any state agency responsible for the  
22 regulation or supervision of the issuance of securities or of  
23 financial institutions, including, but not limited to, banks, savings  
24 and loan associations, industrial loan companies, credit unions,  
25 and insurance companies.

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(4) Information received in confidence by any state agency referred to in paragraph (1).

(e) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes, except that state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision ~~(e)~~ (b) of Section ~~13960~~ 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflect the analysis or conclusions of the investigating officer.

1 *Customer lists provided to a state or local police agency by an*  
2 *alarm or security company at the request of the agency shall be*  
3 *construed to be records subject to this subdivision.*

4 Notwithstanding any other provision of this subdivision, state  
5 and local law enforcement agencies shall make public the  
6 following information, except to the extent that disclosure of a  
7 particular item of information would endanger the safety of a  
8 person involved in an investigation or would endanger the  
9 successful completion of the investigation or a related  
10 investigation:

11 (1) The full name and occupation of every individual arrested  
12 by the agency, the individual's physical description including date  
13 of birth, color of eyes and hair, sex, height and weight, the time and  
14 date of arrest, the time and date of booking, the location of the  
15 arrest, the factual circumstances surrounding the arrest, the  
16 amount of bail set, the time and manner of release or the location  
17 where the individual is currently being held, and all charges the  
18 individual is being held upon, including any outstanding warrants  
19 from other jurisdictions and parole or probation holds.

20 (2) Subject to the restrictions imposed by Section 841.5 of the  
21 Penal Code, the time, substance, and location of all complaints or  
22 requests for assistance received by the agency and the time and  
23 nature of the response thereto, including, to the extent the  
24 information regarding crimes alleged or committed or any other  
25 incident investigated is recorded, the time, date, and location of  
26 occurrence, the time and date of the report, the name and age of the  
27 victim, the factual circumstances surrounding the crime or  
28 incident, and a general description of any injuries, property, or  
29 weapons involved. The name of a victim of any crime defined by  
30 Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286,  
31 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code  
32 may be withheld at the victim's request, or at the request of the  
33 victim's parent or guardian if the victim is a minor. When a person  
34 is the victim of more than one crime, information disclosing that  
35 the person is a victim of a crime defined by Section 220, 261,  
36 261.5, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6,  
37 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the  
38 request of the victim, or the victim's parent or guardian if the  
39 victim is a minor, in making the report of the crime, or of any crime

1 or incident accompanying the crime, available to the public in  
2 compliance with the requirements of this paragraph.

3 (3) Subject to the restrictions of Section 841.5 of the Penal  
4 Code and this subdivision, the current address of every individual  
5 arrested by the agency and the current address of the victim of a  
6 crime, where the requester declares under penalty of perjury that  
7 the request is made for a scholarly, journalistic, political, or  
8 governmental purpose, or that the request is made for investigation  
9 purposes by a licensed private investigator as described in Chapter  
10 11.3 (commencing with Section 7512) of Division 3 of the  
11 Business and Professions Code, except that the address of the  
12 victim of any crime defined by Section 220, 261, 261.5, 262, 264,  
13 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7,  
14 422.75, or 646.9 of the Penal Code shall remain confidential.  
15 Address information obtained pursuant to this paragraph shall not  
16 be used directly or indirectly to sell a product or service to any  
17 individual or group of individuals, and the requester shall execute  
18 a declaration to that effect under penalty of perjury.

19 (g) Test questions, scoring keys, and other examination data  
20 used to administer a licensing examination, examination for  
21 employment, or academic examination, except as provided for in  
22 Chapter 3 (commencing with Section 99150) of Part 65 of the  
23 Education Code.

24 (h) The contents of real estate appraisals or engineering or  
25 feasibility estimates and evaluations made for or by the state or  
26 local agency relative to the acquisition of property, or to  
27 prospective public supply and construction contracts, until all of  
28 the property has been acquired or all of the contract agreement  
29 obtained. However, the law of eminent domain shall not be  
30 affected by this provision.

31 (i) Information required from any taxpayer in connection with  
32 the collection of local taxes that is received in confidence and the  
33 disclosure of the information to other persons would result in  
34 unfair competitive disadvantage to the person supplying the  
35 information.

36 (j) Library circulation records kept for the purpose of  
37 identifying the borrower of items available in libraries, and library  
38 and museum materials made or acquired and presented solely for  
39 reference or exhibition purposes. The exemption in this

1 subdivision shall not apply to records of fines imposed on the  
2 borrowers.

3 (k) Records, the disclosure of which is exempted or prohibited  
4 pursuant to federal or state law, including, but not limited to,  
5 provisions of the Evidence Code relating to privilege.

6 (l) Correspondence of and to the Governor or employees of the  
7 Governor's office or in the custody of or maintained by the  
8 Governor's ~~legal-affairs-secretary~~ *Legal Affairs Secretary*,  
9 provided that public records shall not be transferred to the custody  
10 of the Governor's Legal Affairs Secretary to evade the disclosure  
11 provisions of this chapter.

12 (m) In the custody of or maintained by the Legislative Counsel,  
13 except those records in the public database maintained by the  
14 Legislative Counsel that are described in Section 10248.

15 (n) Statements of personal worth or personal financial data  
16 required by a licensing agency and filed by an applicant with the  
17 licensing agency to establish his or her personal qualification for  
18 the license, certificate, or permit applied for.

19 (o) Financial data contained in applications for financing under  
20 Division 27 (commencing with Section 44500) of the Health and  
21 Safety Code, where an authorized officer of the California  
22 Pollution Control Financing Authority determines that disclosure  
23 of the financial data would be competitively injurious to the  
24 applicant and the data is required in order to obtain guarantees  
25 from the United States Small Business Administration. The  
26 California Pollution Control Financing Authority shall adopt rules  
27 for review of individual requests for confidentiality under this  
28 section and for making available to the public those portions of an  
29 application that are subject to disclosure under this chapter.

30 (p) Records of state agencies related to activities governed by  
31 Chapter 10.3 (commencing with Section 3512), Chapter 10.5  
32 (commencing with Section 3525), and Chapter 12 (commencing  
33 with Section 3560) of Division 4 of Title 1, that reveal a state  
34 agency's deliberative processes, impressions, evaluations,  
35 opinions, recommendations, meeting minutes, research, work  
36 products, theories, or strategy, or that provide instruction, advice,  
37 or training to employees who do not have full collective bargaining  
38 and representation rights under these chapters. Nothing in this  
39 subdivision shall be construed to limit the disclosure duties of a  
40 state agency with respect to any other records relating to the



1 activities governed by the employee relations acts referred to in  
2 this subdivision.

3 (q) Records of state agencies related to activities governed by  
4 Article 2.6 (commencing with Section 14081), Article 2.8  
5 (commencing with Section 14087.5), and Article 2.91  
6 (commencing with Section 14089) of Chapter 7 of Part 3 of  
7 Division 9 of the Welfare and Institutions Code, that reveal the  
8 special negotiator's deliberative processes, discussions,  
9 communications, or any other portion of the negotiations with  
10 providers of health care services, impressions, opinions,  
11 recommendations, meeting minutes, research, work product,  
12 theories, or strategy, or that provide instruction, advice, or training  
13 to employees.

14 Except for the portion of a contract containing the rates of  
15 payment, contracts for inpatient services entered into pursuant to  
16 these articles, on or after April 1, 1984, shall be open to inspection  
17 one year after they are fully executed. In the event that a contract  
18 for inpatient services that is entered into prior to April 1, 1984, is  
19 amended on or after April 1, 1984, the amendment, except for any  
20 portion containing the rates of payment, shall be open to inspection  
21 one year after it is fully executed. If the California Medical  
22 Assistance Commission enters into contracts with health care  
23 providers for other than inpatient hospital services, those contracts  
24 shall be open to inspection one year after they are fully executed.

25 Three years after a contract or amendment is open to inspection  
26 under this subdivision, the portion of the contract or amendment  
27 containing the rates of payment shall be open to inspection.

28 Notwithstanding any other provision of law, the entire contract  
29 or amendment shall be open to inspection by the Joint Legislative  
30 Audit Committee. The committee shall maintain the  
31 confidentiality of the contracts and amendments until the time a  
32 contract or amendment is fully open to inspection by the public.

33 (r) Records of Native American graves, cemeteries, and sacred  
34 places maintained by the Native American Heritage Commission.

35 (s) A final accreditation report of the Joint Commission on  
36 Accreditation of Hospitals that has been transmitted to the State  
37 Department of Health Services pursuant to subdivision (b) of  
38 Section 1282 of the Health and Safety Code.

39 (t) Records of a local hospital district, formed pursuant to  
40 Division 23 (commencing with Section 32000) of the Health and



1 Safety Code, or the records of a municipal hospital, formed  
2 pursuant to Article 7 (commencing with Section 37600) or Article  
3 8 (commencing with Section 37650) of Chapter 5 of Division 3 of  
4 Title 4 of this code, that relate to any contract with an insurer or  
5 nonprofit hospital service plan for inpatient or outpatient services  
6 for alternative rates pursuant to Section 10133 or 11512 of the  
7 Insurance Code. However, the record shall be open to inspection  
8 within one year after the contract is fully executed.

9 (u) (1) Information contained in applications for licenses to  
10 carry firearms issued pursuant to Section 12050 of the Penal Code  
11 by the sheriff of a county or the chief or other head of a municipal  
12 police department that indicates when or where the applicant is  
13 vulnerable to attack or that concerns the applicant's medical or  
14 psychological history or that of members of his or her family.

15 (2) The home address and telephone number of peace officers,  
16 judges, court commissioners, and magistrates that are set forth in  
17 applications for licenses to carry firearms issued pursuant to  
18 Section 12050 of the Penal Code by the sheriff of a county or the  
19 chief or other head of a municipal police department.

20 (3) The home address and telephone number of peace officers,  
21 judges, court commissioners, and magistrates that are set forth in  
22 licenses to carry firearms issued pursuant to Section 12050 of the  
23 Penal Code by the sheriff of a county or the chief or other head of  
24 a municipal police department.

25 (v) (1) Records of the Major Risk Medical Insurance Program  
26 related to activities governed by Part 6.3 (commencing with  
27 Section 12695) and Part 6.5 (commencing with Section 12700) of  
28 Division 2 of the Insurance Code, and that reveal the deliberative  
29 processes, discussions, communications, or any other portion of  
30 the negotiations with health plans, or the impressions, opinions,  
31 recommendations, meeting minutes, research, work product,  
32 theories, or strategy of the board or its staff, or records that provide  
33 instructions, advice, or training to employees.

34 (2) (A) Except for the portion of a contract that contains the  
35 rates of payment, contracts for health coverage entered into  
36 pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5  
37 (commencing with Section 12700) of Division 2 of the Insurance  
38 Code, on or after July 1, 1991, shall be open to inspection one year  
39 after they have been fully executed.



1 (B) In the event that a contract for health coverage that is  
2 entered into prior to July 1, 1991, is amended on or after July 1,  
3 1991, the amendment, except for any portion containing the rates  
4 of payment, shall be open to inspection one year after the  
5 amendment has been fully executed.

6 (3) Three years after a contract or amendment is open to  
7 inspection pursuant to this subdivision, the portion of the contract  
8 or amendment containing the rates of payment shall be open to  
9 inspection.

10 (4) Notwithstanding any other provision of law, the entire  
11 contract or amendments to a contract shall be open to inspection  
12 by the Joint Legislative Audit Committee. The committee shall  
13 maintain the confidentiality of the contracts and amendments  
14 thereto, until the contract or amendments to a contract is open to  
15 inspection pursuant to paragraph (3).

16 (w) (1) Records of the Major Risk Medical Insurance Program  
17 related to activities governed by Chapter 14 (commencing with  
18 Section 10700) of Part 2 of Division 2 of the Insurance Code, and  
19 that reveal the deliberative processes, discussions,  
20 communications, or any other portion of the negotiations with  
21 health plans, or the impressions, opinions, recommendations,  
22 meeting minutes, research, work product, theories, or strategy of  
23 the board or its staff, or records that provide instructions, advice,  
24 or training to employees.

25 (2) Except for the portion of a contract that contains the rates  
26 of payment, contracts for health coverage entered into pursuant to  
27 Chapter 14 (commencing with Section 10700) of Part 2 of  
28 Division 2 of the Insurance Code, on or after January 1, 1993, shall  
29 be open to inspection one year after they have been fully executed.

30 (3) Notwithstanding any other provision of law, the entire  
31 contract or amendments to a contract shall be open to inspection  
32 by the Joint Legislative Audit Committee. The committee shall  
33 maintain the confidentiality of the contracts and amendments  
34 thereto, until the contract or amendments to a contract is open to  
35 inspection pursuant to paragraph (2).

36 (x) Financial data contained in applications for registration, or  
37 registration renewal, as a service contractor filed with the Director  
38 of the Department of Consumer Affairs pursuant to Chapter 20  
39 (commencing with Section 9800) of Division 3 of the Business and  
40 Professions Code, for the purpose of establishing the service

1 contractor's net worth, or financial data regarding the funded  
2 accounts held in escrow for service contracts held in force in this  
3 state by a service contractor.

4 (y) (1) Records of the Managed Risk Medical Insurance Board  
5 related to activities governed by Part 6.2 (commencing with  
6 Section 12693) or Part 6.4 (commencing with Section 12699.50)  
7 of Division 2 of the Insurance Code, and that reveal the  
8 deliberative processes, discussions, communications, or any other  
9 portion of the negotiations with health plans, or the impressions,  
10 opinions, recommendations, meeting minutes, research, work  
11 product, theories, or strategy of the board or its staff, or records  
12 that provide instructions, advice, or training to employees.

13 (2) (A) Except for the portion of a contract that contains the  
14 rates of payment, contracts entered into pursuant to Part 6.2  
15 (commencing with Section 12693) or Part 6.4 (commencing with  
16 Section 12699.50) of Division 2 of the Insurance Code, on or after  
17 January 1, 1998, shall be open to inspection one year after they  
18 have been fully executed.

19 (B) In the event that a contract entered into pursuant to Part 6.2  
20 (commencing with Section 12693) or Part 6.4 (commencing with  
21 Section 12699.50) of Division 2 of the Insurance Code is amended,  
22 the amendment shall be open to inspection one year after the  
23 amendment has been fully executed.

24 (3) Three years after a contract or amendment is open to  
25 inspection pursuant to this subdivision, the portion of the contract  
26 or amendment containing the rates of payment shall be open to  
27 inspection.

28 (4) Notwithstanding any other provision of law, the entire  
29 contract or amendments to a contract shall be open to inspection  
30 by the Joint Legislative Audit Committee. The committee shall  
31 maintain the confidentiality of the contracts and amendments  
32 thereto until the contract or amendments to a contract are open to  
33 inspection pursuant to paragraph (2) or (3).

34 (5) The exemption from disclosure provided pursuant to this  
35 subdivision for the contracts, deliberative processes, discussions,  
36 communications, negotiations with health plans, impressions,  
37 opinions, recommendations, meeting minutes, research, work  
38 product, theories, or strategy of the board or its staff shall also  
39 apply to the contracts, deliberative processes, discussions,  
40 communications, negotiations with health plans, impressions,

1 opinions, recommendations, meeting minutes, research, work  
2 product, theories, or strategy of applicants pursuant to Part 6.4  
3 (commencing with Section 12699.50) of Division 2 of the  
4 Insurance Code.

5 (z) Records obtained pursuant to paragraph (2) of subdivision  
6 (c) of Section 2891.1 of the Public Utilities Code.

7 (aa) A document prepared by *or for* a *state or* local agency that  
8 assesses its vulnerability to terrorist attack or other criminal acts  
9 intended to disrupt the public agency's operations and that is for  
10 distribution or consideration in a closed session.

11 Nothing in this section prevents any agency from opening its  
12 records concerning the administration of the agency to public  
13 inspection, unless disclosure is otherwise prohibited by law.

14 Nothing in this section prevents any health facility from  
15 disclosing to a certified bargaining agent relevant financing  
16 information pursuant to Section 8 of the National Labor Relations  
17 Act.

18 ~~amended to read:~~

19 ~~6254. Except as provided in Sections 6254.7 and 6254.13,~~  
20 ~~nothing in this chapter shall be construed to require disclosure of~~  
21 ~~records that are any of the following:~~

22 ~~(a) Preliminary drafts, notes, or interagency or intra-agency~~  
23 ~~memoranda that are not retained by the public agency in the~~  
24 ~~ordinary course of business, provided that the public interest in~~  
25 ~~withholding those records clearly outweighs the public interest in~~  
26 ~~disclosure.~~

27 ~~(b) Records pertaining to pending litigation to which the public~~  
28 ~~agency is a party, or to claims made pursuant to Division 3.6~~  
29 ~~(commencing with Section 810), until the pending litigation or~~  
30 ~~claim has been finally adjudicated or otherwise settled.~~

31 ~~(c) Personnel, medical, or similar files, the disclosure of which~~  
32 ~~would constitute an unwarranted invasion of personal privacy.~~

33 ~~(d) Contained in or related to any of the following:~~

34 ~~(1) Applications filed with any state agency responsible for the~~  
35 ~~regulation or supervision of the issuance of securities or of~~  
36 ~~financial institutions, including, but not limited to, banks, savings~~  
37 ~~and loan associations, industrial loan companies, credit unions,~~  
38 ~~and insurance companies.~~

~~(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).~~

~~(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).~~

~~(4) Information received in confidence by any state agency referred to in paragraph (1).~~

~~(e) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.~~

~~(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes, except that state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (c) of Section 13960, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflect the analysis or conclusions of the investigating officer.~~

~~Customer lists provided to a state or local police agency by an alarm or security company at the request of the agency shall be construed to be records subject to this subdivision.~~

1     ~~Notwithstanding any other provision of this subdivision, state~~  
2     ~~and local law enforcement agencies shall make public the~~  
3     ~~following information, except to the extent that disclosure of a~~  
4     ~~particular item of information would endanger the safety of a~~  
5     ~~person involved in an investigation or would endanger the~~  
6     ~~successful completion of the investigation or a related~~  
7     ~~investigation:~~

8     ~~(1) The full name and occupation of every individual arrested~~  
9     ~~by the agency, the individual's physical description including date~~  
10    ~~of birth, color of eyes and hair, sex, height and weight, the time and~~  
11    ~~date of arrest, the time and date of booking, the location of the~~  
12    ~~arrest, the factual circumstances surrounding the arrest, the~~  
13    ~~amount of bail set, the time and manner of release or the location~~  
14    ~~where the individual is currently being held, and all charges the~~  
15    ~~individual is being held upon, including any outstanding warrants~~  
16    ~~from other jurisdictions and parole or probation holds.~~

17    ~~(2) Subject to the restrictions imposed by Section 841.5 of the~~  
18    ~~Penal Code, the time, substance, and location of all complaints or~~  
19    ~~requests for assistance received by the agency and the time and~~  
20    ~~nature of the response thereto, including, to the extent the~~  
21    ~~information regarding crimes alleged or committed or any other~~  
22    ~~incident investigated is recorded, the time, date, and location of~~  
23    ~~occurrence, the time and date of the report, the name and age of the~~  
24    ~~victim, the factual circumstances surrounding the crime or~~  
25    ~~incident, and a general description of any injuries, property, or~~  
26    ~~weapons involved. The name of a victim of any crime defined by~~  
27    ~~Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286,~~  
28    ~~288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code~~  
29    ~~may be withheld at the victim's request, or at the request of the~~  
30    ~~victim's parent or guardian if the victim is a minor. When a person~~  
31    ~~is the victim of more than one crime, information disclosing that~~  
32    ~~the person is a victim of a crime defined by Section 220, 261,~~  
33    ~~261.5, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6,~~  
34    ~~422.7, 422.75, or 646.9 of the Penal Code may be deleted at the~~  
35    ~~request of the victim, or the victim's parent or guardian if the~~  
36    ~~victim is a minor, in making the report of the crime, or of any crime~~  
37    ~~or incident accompanying the crime, available to the public in~~  
38    ~~compliance with the requirements of this paragraph.~~

39    ~~(3) Subject to the restrictions of Section 841.5 of the Penal~~  
40    ~~Code and this subdivision, the current address of every individual~~

1 ~~arrested by the agency and the current address of the victim of a~~  
2 ~~crime, where the requester declares under penalty of perjury that~~  
3 ~~the request is made for a scholarly, journalistic, political, or~~  
4 ~~governmental purpose, or that the request is made for investigation~~  
5 ~~purposes by a licensed private investigator as described in Chapter~~  
6 ~~11.3 (commencing with Section 7512) of Division 3 of the~~  
7 ~~Business and Professions Code, except that the address of the~~  
8 ~~victim of any crime defined by Section 220, 261, 261.5, 262, 264,~~  
9 ~~264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7,~~  
10 ~~422.75, or 646.9 of the Penal Code shall remain confidential.~~  
11 ~~Address information obtained pursuant to this paragraph shall not~~  
12 ~~be used directly or indirectly to sell a product or service to any~~  
13 ~~individual or group of individuals, and the requester shall execute~~  
14 ~~a declaration to that effect under penalty of perjury.~~

15 ~~(g) Test questions, scoring keys, and other examination data~~  
16 ~~used to administer a licensing examination, examination for~~  
17 ~~employment, or academic examination, except as provided for in~~  
18 ~~Chapter 3 (commencing with Section 99150) of Part 65 of the~~  
19 ~~Education Code.~~

20 ~~(h) The contents of real estate appraisals or engineering or~~  
21 ~~feasibility estimates and evaluations made for or by the state or~~  
22 ~~local agency relative to the acquisition of property, or to~~  
23 ~~prospective public supply and construction contracts, until all of~~  
24 ~~the property has been acquired or all of the contract agreement~~  
25 ~~obtained. However, the law of eminent domain shall not be~~  
26 ~~affected by this provision.~~

27 ~~(i) Information required from any taxpayer in connection with~~  
28 ~~the collection of local taxes that is received in confidence and the~~  
29 ~~disclosure of the information to other persons would result in~~  
30 ~~unfair competitive disadvantage to the person supplying the~~  
31 ~~information.~~

32 ~~(j) Library circulation records kept for the purpose of~~  
33 ~~identifying the borrower of items available in libraries, and library~~  
34 ~~and museum materials made or acquired and presented solely for~~  
35 ~~reference or exhibition purposes. The exemption in this~~  
36 ~~subdivision shall not apply to records of fines imposed on the~~  
37 ~~borrowers.~~

38 ~~(k) Records, the disclosure of which is exempted or prohibited~~  
39 ~~pursuant to federal or state law, including, but not limited to,~~  
40 ~~provisions of the Evidence Code relating to privilege.~~

1 ~~(l) Correspondence of and to the Governor or employees of the~~  
2 ~~Governor's office or in the custody of or maintained by the~~  
3 ~~Governor's Legal Affairs Secretary, provided that public records~~  
4 ~~shall not be transferred to the custody of the Governor's Legal~~  
5 ~~Affairs Secretary to evade the disclosure provisions of this chapter.~~

6 ~~(m) In the custody of or maintained by the Legislative Counsel,~~  
7 ~~except those records in the public database maintained by the~~  
8 ~~Legislative Counsel that are described in Section 10248.~~

9 ~~(n) Statements of personal worth or personal financial data~~  
10 ~~required by a licensing agency and filed by an applicant with the~~  
11 ~~licensing agency to establish his or her personal qualification for~~  
12 ~~the license, certificate, or permit applied for.~~

13 ~~(o) Financial data contained in applications for financing under~~  
14 ~~Division 27 (commencing with Section 44500) of the Health and~~  
15 ~~Safety Code, where an authorized officer of the California~~  
16 ~~Pollution Control Financing Authority determines that disclosure~~  
17 ~~of the financial data would be competitively injurious to the~~  
18 ~~applicant and the data is required in order to obtain guarantees~~  
19 ~~from the United States Small Business Administration. The~~  
20 ~~California Pollution Control Financing Authority shall adopt rules~~  
21 ~~for review of individual requests for confidentiality under this~~  
22 ~~section and for making available to the public those portions of an~~  
23 ~~application that are subject to disclosure under this chapter.~~

24 ~~(p) Records of state agencies related to activities governed by~~  
25 ~~Chapter 10.3 (commencing with Section 3512), Chapter 10.5~~  
26 ~~(commencing with Section 3525), and Chapter 12 (commencing~~  
27 ~~with Section 3560) of Division 4 of Title 1, that reveal a state~~  
28 ~~agency's deliberative processes, impressions, evaluations,~~  
29 ~~opinions, recommendations, meeting minutes, research, work~~  
30 ~~products, theories, or strategy, or that provide instruction, advice,~~  
31 ~~or training to employees who do not have full collective bargaining~~  
32 ~~and representation rights under these chapters. Nothing in this~~  
33 ~~subdivision shall be construed to limit the disclosure duties of a~~  
34 ~~state agency with respect to any other records relating to the~~  
35 ~~activities governed by the employee relations acts referred to in~~  
36 ~~this subdivision.~~

37 ~~(q) Records of state agencies related to activities governed by~~  
38 ~~Article 2.6 (commencing with Section 14081), Article 2.8~~  
39 ~~(commencing with Section 14087.5), and Article 2.91~~  
40 ~~(commencing with Section 14089) of Chapter 7 of Part 3 of~~



~~Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.~~

~~Except for the portion of a contract containing the rates of payment, contracts for inpatient services entered into pursuant to these articles, on or after April 1, 1984, shall be open to inspection one year after they are fully executed. In the event that a contract for inpatient services that is entered into prior to April 1, 1984, is amended on or after April 1, 1984, the amendment, except for any portion containing the rates of payment, shall be open to inspection one year after it is fully executed. If the California Medical Assistance Commission enters into contracts with health care providers for other than inpatient hospital services, those contracts shall be open to inspection one year after they are fully executed.~~

~~Three years after a contract or amendment is open to inspection under this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.~~

~~Notwithstanding any other provision of law, the entire contract or amendment shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments until the time a contract or amendment is fully open to inspection by the public.~~

~~(r) Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.~~

~~(s) A final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Health Services pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.~~

~~(t) Records of a local hospital district, formed pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code, or the records of a municipal hospital, formed pursuant to Article 7 (commencing with Section 37600) or Article 8 (commencing with Section 37650) of Chapter 5 of Division 3 of Title 4 of this code, that relate to any contract with an insurer or nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 or 11512 of the~~

1 Insurance Code. However, the record shall be open to inspection  
2 within one year after the contract is fully executed.

3 (u) (1) Information contained in applications for licenses to  
4 carry firearms issued pursuant to Section 12050 of the Penal Code  
5 by the sheriff of a county or the chief or other head of a municipal  
6 police department that indicates when or where the applicant is  
7 vulnerable to attack or that concerns the applicant's medical or  
8 psychological history or that of members of his or her family.

9 (2) The home address and telephone number of peace officers,  
10 judges, court commissioners, and magistrates that are set forth in  
11 applications for licenses to carry firearms issued pursuant to  
12 Section 12050 of the Penal Code by the sheriff of a county or the  
13 chief or other head of a municipal police department.

14 (3) The home address and telephone number of peace officers,  
15 judges, court commissioners, and magistrates that are set forth in  
16 licenses to carry firearms issued pursuant to Section 12050 of the  
17 Penal Code by the sheriff of a county or the chief or other head of  
18 a municipal police department.

19 (v) (1) Records of the Major Risk Medical Insurance Program  
20 related to activities governed by Part 6.3 (commencing with  
21 Section 12695) and Part 6.5 (commencing with Section 12700) of  
22 Division 2 of the Insurance Code, and that reveal the deliberative  
23 processes, discussions, communications, or any other portion of  
24 the negotiations with health plans, or the impressions, opinions,  
25 recommendations, meeting minutes, research, work product,  
26 theories, or strategy of the board or its staff, or records that provide  
27 instructions, advice, or training to employees.

28 (2) (A) Except for the portion of a contract that contains the  
29 rates of payment, contracts for health coverage entered into  
30 pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5  
31 (commencing with Section 12700) of Division 2 of the Insurance  
32 Code, on or after July 1, 1991, shall be open to inspection one year  
33 after they have been fully executed.

34 (B) In the event that a contract for health coverage that is  
35 entered into prior to July 1, 1991, is amended on or after July 1,  
36 1991, the amendment, except for any portion containing the rates  
37 of payment, shall be open to inspection one year after the  
38 amendment has been fully executed.

39 (3) Three years after a contract or amendment is open to  
40 inspection pursuant to this subdivision, the portion of the contract

1 ~~or amendment containing the rates of payment shall be open to~~  
2 ~~inspection.~~

3 ~~(4) Notwithstanding any other provision of law, the entire~~  
4 ~~contract or amendments to a contract shall be open to inspection~~  
5 ~~by the Joint Legislative Audit Committee. The committee shall~~  
6 ~~maintain the confidentiality of the contracts and amendments~~  
7 ~~thereto, until the contract or amendments to a contract is open to~~  
8 ~~inspection pursuant to paragraph (3).~~

9 ~~(w) (1) Records of the Major Risk Medical Insurance Program~~  
10 ~~related to activities governed by Chapter 14 (commencing with~~  
11 ~~Section 10700) of Part 2 of Division 2 of the Insurance Code, and~~  
12 ~~that — reveal — the — deliberative — processes, — discussions,~~  
13 ~~communications, or any other portion of the negotiations with~~  
14 ~~health plans, or the impressions, opinions, recommendations,~~  
15 ~~meeting minutes, research, work product, theories, or strategy of~~  
16 ~~the board or its staff, or records that provide instructions, advice,~~  
17 ~~or training to employees.~~

18 ~~(2) Except for the portion of a contract that contains the rates~~  
19 ~~of payment, contracts for health coverage entered into pursuant to~~  
20 ~~Chapter 14 (commencing with Section 10700) of Part 2 of~~  
21 ~~Division 2 of the Insurance Code, on or after January 1, 1993, shall~~  
22 ~~be open to inspection one year after they have been fully executed.~~

23 ~~(3) Notwithstanding any other provision of law, the entire~~  
24 ~~contract or amendments to a contract shall be open to inspection~~  
25 ~~by the Joint Legislative Audit Committee. The committee shall~~  
26 ~~maintain the confidentiality of the contracts and amendments~~  
27 ~~thereto, until the contract or amendments to a contract is open to~~  
28 ~~inspection pursuant to paragraph (2).~~

29 ~~(x) Financial data contained in applications for registration, or~~  
30 ~~registration renewal, as a service contractor filed with the Director~~  
31 ~~of the Department of Consumer Affairs pursuant to Chapter 20~~  
32 ~~(commencing with Section 9800) of Division 3 of the Business and~~  
33 ~~Professions Code, for the purpose of establishing the service~~  
34 ~~contractor's net worth, or financial data regarding the funded~~  
35 ~~accounts held in escrow for service contracts held in force in this~~  
36 ~~state by a service contractor.~~

37 ~~(y) (1) Records of the Managed Risk Medical Insurance Board~~  
38 ~~related to activities governed by Part 6.2 (commencing with~~  
39 ~~Section 12693) of Division 2 of the Insurance Code, and that~~  
40 ~~reveal the deliberative processes, discussions, communications, or~~

1 any other portion of the negotiations with health plans, or the  
2 impressions, opinions, recommendations, meeting minutes,  
3 research, work product, theories, or strategy of the board or its  
4 staff, or records that provide instructions, advice, or training to  
5 employees.

6 (2) (A) Except for the portion of a contract that contains the  
7 rates of payment, contracts entered into pursuant to Part 6.2  
8 (commencing with Section 12693) of Division 2 of the Insurance  
9 Code, on or after January 1, 1998, shall be open to inspection one  
10 year after they have been fully executed.

11 (B) In the event that a contract entered into pursuant to Part 6.2  
12 (commencing with Section 12693) of Division 2 of the Insurance  
13 Code is amended, the amendment shall be open to inspection one  
14 year after the amendment has been fully executed.

15 (3) Three years after a contract or amendment is open to  
16 inspection pursuant to this subdivision, the portion of the contract  
17 or amendment containing the rates of payment shall be open to  
18 inspection.

19 (4) Notwithstanding any other provision of law, the entire  
20 contract or amendments to a contract shall be open to inspection  
21 by the Joint Legislative Audit Committee. The committee shall  
22 maintain the confidentiality of the contracts and amendments  
23 thereto until the contract or amendments to a contract are open to  
24 inspection pursuant to paragraph (2) or (3).

25 (z) Records obtained pursuant to paragraph (2) of subdivision  
26 (c) of Section 2891.1 of the Public Utilities Code.

27 (aa) If the public agency in question determines that the public  
28 interest served by nondisclosure clearly outweighs the public  
29 interest served by disclosure, a document prepared by or for a  
30 public agency that assesses vulnerability to terrorist attack or other  
31 criminal acts intended to disrupt the public agency's operations, or  
32 harm or compromise the safety of the personnel or the public's  
33 right of access to the public building or facility, or emergency  
34 response plans that are the product of a completed vulnerability  
35 assessment. Once the public agency has determined that the threat  
36 of terrorist attack or other criminal acts has passed, the  
37 vulnerability assessment or emergency response plan, or both,  
38 shall be opened to public inspection, unless the public agency  
39 determines the public interest served by nondisclosure continues  
40 to clearly outweigh the public interest served by disclosure.

1   ~~Nothing in this section prevents any agency from opening its~~  
2 ~~records concerning the administration of the agency to public~~  
3 ~~inspection, unless disclosure is otherwise prohibited by law.~~

4   ~~Nothing in this section prevents any health facility from~~  
5 ~~disclosing to a certified bargaining agent relevant financing~~  
6 ~~information pursuant to Section 8 of the National Labor Relations~~  
7 ~~Act.~~

